

**To:** Swenson, Peter[swenson.peter@epa.gov]  
**From:** Holst, Linda  
**Sent:** Thur 6/26/2014 6:32:55 PM  
**Subject:** RE: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014  
[Hot Issue Gogebic 404c+lh.docx](#)

## Ex. 5 - Deliberative

**From:** Swenson, Peter  
**Sent:** Wednesday, June 25, 2014 1:36 PM  
**To:** Hyde, Tinka; Cozza, Daniel  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy; Melgin, Wendy; Wester, Barbara  
**Subject:** RE: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

# Ex. 5 - Deliberative

*Peter Swenson (WW-16J)  
Chief, Watersheds and Wetlands Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
312-886-0236  
[swenson.peter@epa.gov](mailto:swenson.peter@epa.gov)*

**From:** Hyde, Tinka  
**Sent:** Wednesday, June 25, 2014 9:08 AM  
**To:** Swenson, Peter; Cozza, Daniel  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy; Melgin, Wendy  
**Subject:** Re: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

## Ex. 5 - Deliberative

**From:** Swenson, Peter  
**Sent:** Wednesday, June 25, 2014 9:04:26 AM  
**To:** Hyde, Tinka; Cozza, Daniel  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy; Melgin, Wendy  
**Subject:** RE: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator

Susan Hedman on August 21, 2014

# Ex. 5 - Deliberative

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From: Ben Meyer <[bmeyer@wjfw.com](mailto:bmeyer@wjfw.com)>  
Sent: Tuesday, June 24, 2014 9:15:57 AM  
To: Cassell, Peter  
Subject: Ojibwe request to EPA under 404(c)

Hi Peter,  
Thanks for your help on the phone a moment ago. Attached is the letter sent by the Ojibwe tribes to the EPA asking the agency to use its authority under Section 404(C) of the Clean Water Act to stop mine permitting activities in northern Wisconsin. I did find a fact sheet about 404(C) "veto" authority on the

EPA website, but I want to make sure I understand it fully. Specifically, I see that the formal process starts when the EPA Regional Administrator makes the determination to issue a public notice of a Proposed Determination to withdraw, prohibit, deny, or restrict the specification of a defined area for discharge of dredged or fill material. I'm interested in learning how the Regional Administrator makes that determination, what the timeline for that is, and what factors go into making that determination. I'd also like someone to walk me through the "Veto" process if that determination is made. Moreover, not in their letter, but in anecdotal conversations, Ojibwe leaders have referenced the Pebble Mine in Alaska as a template for the EPA using 404(C) to stop a project. If I could talk to someone with knowledge of that issue, I'd appreciate it. Ideally, I'd love to do a video Skype or phone interview. My deadline is 3pm today. Please be in touch via email or the phone number below. Thank you for your help!

Best,  
Ben

Ben Meyer  
Newswatch 12 WJFW-TV  
Rhineland, WI 54501  
(715) 365-4701e.

**From:** Hyde, Tinka  
**Sent:** Wednesday, June 25, 2014 8:17 AM  
**To:** Cozza, Daniel; Swenson, Peter  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy; Melgin, Wendy  
**Subject:** Re: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

### Ex. 5 - Deliberative

**From:** Cozza, Daniel  
**Sent:** Wednesday, June 25, 2014 8:01:43 AM  
**To:** Swenson, Peter; Hyde, Tinka  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy; Melgin, Wendy  
**Subject:** RE: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

## Ex. 5 - Deliberative

**Daniel J. Cozza**  
**Section 1 Chief, State and Tribal Programs Branch**  
**Water Division, U.S. Environmental Protection Agency**

**77 W. Jackson Blvd. Chicago, IL 60604 WS-15J**  
**312-886-7252**  
**cozza.daniel@epa.gov**

**From:** Swenson, Peter  
**Sent:** Tuesday, June 24, 2014 12:11 PM  
**To:** Cozza, Daniel; Hyde, Tinka  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy; Melgin, Wendy  
**Subject:** RE: Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

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*Peter Swenson (WW-16J)*  
*Chief, Watersheds and Wetlands Branch*  
*U.S. Environmental Protection Agency, Region 5*  
*77 West Jackson Boulevard*  
*Chicago, Illinois 60604*  
*312-886-0236*  
**swenson.peter@epa.gov**

**From:** Cozza, Daniel  
**Sent:** Tuesday, June 24, 2014 11:53 AM  
**To:** Hyde, Tinka; Swenson, Peter  
**Cc:** Baltazar, Debbie; Horak, David; Holst, Linda; Henry, Timothy  
**Subject:** Please Read: Bad River and 404: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

## Ex. 5 - Deliberative

**Daniel J. Cozza**  
**Section 1 Chief, State and Tribal Programs Branch**  
**Water Division, U.S. Environmental Protection Agency**  
**77 W. Jackson Blvd. Chicago, IL 60604 WS-15J**  
**312-886-7252**  
**cozza.daniel@epa.gov**

**From:** Harmon, Darrel  
**Sent:** Monday, June 23, 2014 8:18 AM  
**To:** Cozza, Daniel; Horak, David

**Subject:** FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

# Ex. 5 - Deliberative

**From:** Mike Wiggins Jr. [<mailto:BRTchair@badriver-nsn.gov>]

**Sent:** Friday, June 20, 2014 1:15 PM

**To:** Harmon, Darrel

**Subject:** Re: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

Agenda item - Clean Water Act 404c designation for the Bad River Watershed.

Mike Wiggins, Jr.

On Jun 18, 2014, at 9:51 AM, "Harmon, Darrel" <[Harmon.Darrel@epa.gov](mailto:Harmon.Darrel@epa.gov)> wrote:

Dear Tribal Leaders:

I am writing to invite you to meet with U.S. EPA Regional Administrator Susan Hedman on August 21, 2014. This continues our ongoing series of tribal leaders meetings, and will be held at the Grand Traverse Resort from 1:00 – 3:00 pm, following the Regional Tribal Operations Committee meeting. Past tribal leaders meetings have been well attended with good open discussions, and we hope you can participate.

In response to your requests, I am developing an agenda based on your input: Please send me your suggested discussion topics as soon as possible, and let me know if you plan on attending (rsvp). Once I have topics from you and your staff, I will distribute an agenda in advance of the meeting.

Regional Administrator Hedman hopes you will be able to join her and is looking forward to meeting with you in Michigan.

Please contact me if you have questions, comments or need additional information.

thanks.....Darrel

cc: Tribal Environmental Directors  
RTOC representatives  
IEO Tribal Liaisons

C. Darrel Harmon, Special Assistant on Tribal Relations  
US EPA Region 5 Office of the Regional Administrator  
77 West Jackson Boulevard, Chicago Illinois 60605  
312-886-3890 | cell 312-720-1904 | [harmon.darrel@epa.gov](mailto:harmon.darrel@epa.gov)